

**TOWNSHIP OF WALL
ORDINANCE NO. 13 - 1996**

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING AND SUPPLEMENTING CHAPTER XV, "ZONING", OF "THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WALL, 1977", AS AMENDED AND SUPPLEMENTED, AND REPEALING ORDINANCE NO. 30-1994 OF THE TOWNSHIP OF WALL.

WHEREAS, on December 28, 1994 the Township Committee adopted Ordinance No. 6-1992 which provided for the rezoning of property known as Lot 1 in Block 954 from the R-60 Zone to provide for an optional development in accordance with the R-40 Zone providing that a Developer's Agreement had been entered into with respect to the property to provide for a voluntary contribution to the Township's Affordable Housing Trust Fund; and

WHEREAS, the purpose of the aforesaid Ordinance was to effect a portion of the Wall Township Mt. Laurel Compliance Plan pursuant to the terms of a Developer's Agreement approved by Honorable Eugene D. Serpentelli, A.J.S.C. in the matter of Cove Industries, Ltd. v. Wall Township and related Mt. Laurel cases, under Docket Number L-51262-84; and

WHEREAS, the applicable Developer's Agreement provided that the owner-developer of the aforesaid property was to make certain payments to the Wall Township Affordable Housing Trust Fund; and

WHEREAS, the developer/owner has failed and refused to make the initial payment required under the terms of the Developer's Agreement and should not, therefore, be entitled to the benefit of the rezoning of the property;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the

Defeated 4/12/96

Township of Wall, in the County of Monmouth, and State of New Jersey, as follows:

Section 1. Ordinance No. 30-1994 of the Township of Wall, finally adopted by the Township Committee on December 28, 1994, be and the same is hereby repealed.

Section 2. Block 954, Lot 1, as shown on the Tax Assessment Map of the Township of Wall, be and is hereby rezoned to R-60, as said zoning existed on the Zoning Map of the Township of Wall prior to the adoption of Ordinance No. 30-1994.

Section 3. Chapter XIV, "Land Use Development" of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, Article Four, "Zoning", subsection 400.D (subsection 14-404.4D), as established by Ordinance No. 30-1994 of the Township of Wall be and the same is hereby deleted and the following substituted therefor: "400.D Reserved".

Section 4. All Ordinances, or parts thereof, inconsistent with the provisions of the Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

Section 5. Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 6. This Ordinance shall take effect upon its passage and publication according to law, and upon the approval thereof of the Court in the matter of Cove Industries v. Wall Township and consolidated cases.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on April 24, 1996 and will further be considered for final passage and adopted at the Wall

Township Municipal Building , 2700 Allaire Road, Wall, New Jersey, on June 12, 1996 at 8:00 o'clock p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall Town Hall to the members of the general public who shall request the same.

BEATRICE M. GASSNER, C.M.C.
Township Clerk